

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOSEPH DAVIS, on behalf of himself
and others similarly situated,

Plaintiff,

V.

MARTIN TRANSPORT, INC., et al.,

Defendants.

Case No. 6:25-cv-169-JDK

SCHEDULING ORDER


This is a Fair Labor Standards Act case. Before the Court is the parties' joint proposed scheduling order. Docket No. 15. The parties propose that this case proceed in two phases. The first phase will include limited discovery to address "class issues." *Id.* at 2. The second phase will proceed to the merits.

Pursuant to the parties’ joint proposal and applicable Fifth Circuit authority, *see Swales v. KLLM Transp. Services, LLC*, 985 F.3d 430, 441 (5th Cir. 2021) (explaining in the FLSA context that “a district court should identify, at the outset of the case, what facts and legal considerations will be material to determining whether a group of ‘employees’ is ‘similarly situated’” and “then it should authorize preliminary discovery accordingly”), the Court **ORDERS** the following:

1. The parties will proceed with limited discovery pertaining only to the appropriateness of notice issuing in this matter. This limited discovery shall be completed by **October 20, 2025**.

2. Plaintiff shall file a motion to notice by **November 19, 2025**. Defendants' response shall be due within thirty days of the filing of Plaintiff's motion. Plaintiff's reply shall be due within fourteen days of the filing of Defendants' response.
3. The parties shall submit a joint proposed scheduling order to proceed with the case within fourteen days after either (1) the close of the class notice period, if any, or (2) the Court's denial of Plaintiff's motion to for notice.
4. The Court hereby **CANCELS** the Rule 16 Pretrial Conference set for August 12, 2025.

So **ORDERED** and **SIGNED** this **22nd** day of **July, 2025**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE